



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7



11201 Renner Boulevard
Lenexa, Kansas 66219

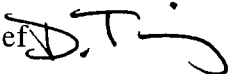
NOV 19 2013

MEMORANDUM

SUBJECT: Referral of Heartland Plating Site
to the Superfund Program

Heartland Plating
3900 Elm Street, Bettendorf, Iowa 52722
RCRA ID No. IAR000514729

FROM:  Kevin D. Snowden, Environmental Scientist 
AWMD/WEMM

THRU: Don Toensing, Chief 
AWMD/WEMM

TO: Kenneth S. Buchholz, Chief
SUPR/ERNB

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Superfund

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By this memorandum, the U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, Waste Enforcement and Materials Management Branch refers the former Heartland Plating facility ("the facility") in Bettendorf, Iowa, to the EPA R7, Superfund Division, Emergency Response and Removal North Branch. for Superfund-lead investigation and cleanup of hazardous materials stored onsite that present a threat of release to the environment. Please provide a signed copy of this document to Kevin D. Snowden in the AWMD/WEMM branch documenting your approval of the referral.

During the 1970s, a company named Prime Plating constructed the facility, a 43,000 square foot building on a 1.697 acre lot at 3900 Elm Street, Bettendorf, Iowa. From 2003 until operations ceased in 2011, the facility was operated by Heartland Plating, Inc. HPI was headed by Gerhard Patigler until his death in 2009, after which the facility was operated by his daughter, Marion Patigler.

In October 2010, EPA Region 7 AWMD/WEMM performed a Resource Conservation and Recovery Act compliance evaluation inspection. Following the inspection, the WEMM Branch determined that HPI had created an imminent and substantial endangerment to human health and/or the environment by its mismanagement of hazardous wastes at the facility, and accordingly issued a RCRA § 7003 Unilateral Administrative Order, naming as Respondents Heartland Plating, Inc.; the estate of the deceased former owner Gerhard Patigler; and the facility's then-current operator Marion Patigler on November 24, 2010. The UAO required the Respondents to, among other things, inventory and conduct hazardous waste determinations on all solid wastes at the facility, formulate plans for management and/or disposal of all hazardous and solid wastes and for management of all chemicals stored at the



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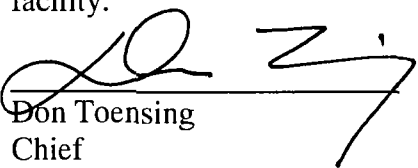
facility, to restrict access to areas where releases of hazardous waste have potentially occurred, and to conduct Site characterization activities and clean up of any contaminated areas at the facility.

Though Respondents submitted several reports and plans required by the UAO, and engaged in disposal of some of the hazardous waste, they have failed to adequately manage or dispose of a significant amount of the waste at the facility. The agency issued multiple Letters of Warning, in November 2010, December 2011, and March 2012, for failure to comply with the terms of the UAO, including the failure to properly manage and dispose of thousands of gallons of waste chromic acid, chromium containing solutions, corrosives, waste-water treatment sludge, anodizing solutions, cyanide, and other hazardous wastes or substances, which to date remain onsite. Though some measures were taken by Respondents to address the issues raised in the LOWs, they continued to fail to comply, repeatedly citing lack of available funds as a reason for failure to complete the disposal activities and to fulfill other requirements. From documentation by Respondents' contractor, Veolia Environmental, it appears that all off-site waste shipment activities ceased by October 1, 2012, and significant amounts of both hazardous wastes and stored/abandoned products remain onsite.

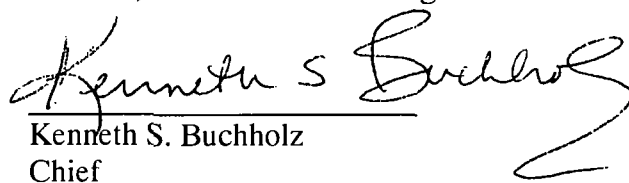
In July 2013, Kevin Snowden of AWMD/WEMM and Adam Ruiz of the EPFD/ERNB conducted a Site visit at the facility and documented that the Site was unsecured (and appeared to have transients living there), that its physical structure was compromised, with holes in the roof, and the facility power was turned off. At least several hundred 55-gallon containers, large totes, and other containers labeled with hazardous waste stickers were being stored at the facility. The containers appear to be the same containers observed by the agency during a September 25, 2012, facility visit.

In August 2013, a fourth LOW was sent to Respondents, noting a failure to restrict access to the property and to complete the off-site disposal of waste as required by the UAO. Though Respondents' counsel acknowledged receipt of the LOW, no substantive response was conveyed to the agency.

The building's structural issues, lack of power, and unsecured status combine to create a significant threat of release of hazardous substances to the environment, particularly given the potential impact of the freeze-thaw cycle on the stored containers this coming winter. Given Respondents' apparent financial inability to manage/dispose of the hazardous materials at the facility, AWMD/WEMM requests that SPFD/ERNB initiate a Site investigation and commence a Superfund-lead time-critical response as appropriate to address the threat of release of wastes and abandoned chemicals currently in storage at the facility.


Don Toensing
Chief
RCRA Enforcement and State Programs Branch
EPA R7, Air and Waste Management Division

11-19-13
Date


Kenneth S. Buchholz
Chief
Emergency Response and Removal North Branch
EPA R7, Superfund Division

11/19/2013
Date